

Introduced by Senator Morrow

February 16, 2005

An act to amend Section 12078 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 305, as amended, Morrow. Firearms.

Existing law generally regulates the transfer of firearms, imposing various requirements, including a waiting period for delivery, as specified, and various exceptions to those requirements.

This bill would provide exceptions to certain waiting periods for the delivery of a firearm for persons who possess a valid license to carry a concealed firearm *or a certificate of eligibility*, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12078 of the Penal Code is amended to
2 read:
3 12078. (a) (1) The waiting periods described in Sections
4 12071, 12072, and 12084 shall not apply to deliveries, transfers,
5 or sales of firearms made to persons properly identified as
6 full-time paid peace officers as defined in Chapter 4.5
7 (commencing with Section 830) of Title 3 of Part 2, provided
8 that the peace officers are authorized by their employer to carry
9 firearms while in the performance of their duties. Proper
10 identification is defined as verifiable written certification from
11 the head of the agency by which the purchaser or transferee is

1 employed, identifying the purchaser or transferee as a peace
2 officer who is authorized to carry firearms while in the
3 performance of his or her duties, and authorizing the purchase or
4 transfer. The certification shall be delivered to the dealer or local
5 law enforcement agency acting pursuant to Section 12084 at the
6 time of purchase or transfer and the purchaser or transferee shall
7 identify himself or herself as the person authorized in the
8 certification. The dealer or local law enforcement agency shall
9 keep the certification with the record of sale, or LEFT, as the
10 case may be. On the date that the delivery, sale, or transfer is
11 made, the dealer delivering the firearm or the law enforcement
12 agency processing the transaction pursuant to Section 12084
13 shall forward by prepaid mail to the Department of Justice a
14 report of the transaction pursuant to subdivision (b) or (c) of
15 Section 12077 or Section 12084. If electronic or telephonic
16 transfer of applicant information is used, on the date that the
17 application to purchase is completed, the dealer delivering the
18 firearm shall transmit to the Department of Justice an electronic
19 or telephonic report of the transaction as is indicated in
20 subdivision (b) or (c) of Section 12077.

21 (2) Subdivision (b) of Section 12801 and the preceding
22 provisions of this article do not apply to deliveries, transfers, or
23 sales of firearms made to authorized law enforcement
24 representatives of cities, counties, cities and counties, or state or
25 federal governments for exclusive use by those governmental
26 agencies if, prior to the delivery, transfer, or sale of these
27 firearms, written authorization from the head of the agency
28 authorizing the transaction is presented to the person from whom
29 the purchase, delivery, or transfer is being made. Proper written
30 authorization is defined as verifiable written certification from
31 the head of the agency by which the purchaser or transferee is
32 employed, identifying the employee as an individual authorized
33 to conduct the transaction, and authorizing the transaction for the
34 exclusive use of the agency by which he or she is employed.
35 Within 10 days of the date a handgun is acquired by the agency,
36 a record of the same shall be entered as an institutional weapon
37 into the Automated Firearms System (AFS) via the California
38 Law Enforcement Telecommunications System (CLETS) by the
39 law enforcement or state agency. Those agencies without access

1 to AFS shall arrange with the sheriff of the county in which the
2 agency is located to input this information via this system.

3 (3) Subdivision (b) of Section 12801 and the preceding
4 provisions of this article do not apply to the loan of a firearm
5 made by an authorized law enforcement representative of a city,
6 county, or city and county, or the state or federal government to a
7 peace officer employed by that agency and authorized to carry a
8 firearm for the carrying and use of that firearm by that peace
9 officer in the course and scope of his or her duties.

10 (4) Subdivision (b) of Section 12801 and the preceding
11 provisions of this article do not apply to the delivery, sale, or
12 transfer of a firearm by a law enforcement agency to a peace
13 officer pursuant to Section 10334 of the Public Contract Code.
14 Within 10 days of the date that a handgun is sold, delivered, or
15 transferred pursuant to Section 10334 of the Public Contract
16 Code to that peace officer, the name of the officer and the make,
17 model, serial number, and other identifying characteristics of the
18 firearm being sold, transferred, or delivered shall be entered into
19 the Automated Firearms System (AFS) via the California Law
20 Enforcement Telecommunications System (CLETS) by the law
21 enforcement or state agency that sold, transferred, or delivered
22 the firearm. Those agencies without access to AFS shall arrange
23 with the sheriff of the county in which the agency is located to
24 input this information via this system.

25 (5) Subdivision (b) of Section 12801 and the preceding
26 provisions of this article do not apply to the delivery, sale, or
27 transfer of a firearm by a law enforcement agency to a retiring
28 peace officer who is authorized to carry a firearm pursuant to
29 Section 12027.1. Within 10 days of the date that a handgun is
30 sold, delivered, or transferred to that retiring peace officer, the
31 name of the officer and the make, model, serial number, and
32 other identifying characteristics of the firearm being sold,
33 transferred, or delivered shall be entered into the Automated
34 Firearms System (AFS) via the California Law Enforcement
35 Telecommunications System (CLETS) by the law enforcement or
36 state agency that sold, transferred, or delivered the firearm.
37 Those agencies without access to AFS shall arrange with the
38 sheriff of the county in which the agency is located to input this
39 information via this system.

(6) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 do not apply to sales, deliveries, or transfers of firearms to authorized representatives of cities, cities and counties, counties, or state or federal governments for those governmental agencies where the entity is acquiring the weapon as part of an authorized, voluntary program where the entity is buying or receiving weapons from private individuals. Any weapons acquired pursuant to this paragraph shall be disposed of pursuant to the applicable provisions of Section 12028 or 12032.

(7) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the sale, loan, delivery, or transfer of a firearm made by an authorized law enforcement representative of a city, county, city and county, state, or the federal government to any public or private nonprofit historical society, museum, or institutional collection or the purchase or receipt of that firearm by that public or private nonprofit historical society, museum, or institutional collection if all of the following conditions are met:

(A) The entity receiving the firearm is open to the public.

(B) The firearm prior to delivery is deactivated or rendered inoperable.

(C) The firearm is not subject to Section 12028, 12028.5, 12030, or 12032.

(D) The firearm is not prohibited by other provisions of law from being sold, delivered, or transferred to the public at large.

(E) Prior to delivery, the entity receiving the firearm submits a written statement to the law enforcement representative stating that the firearm will not be restored to operating condition, and will either remain with that entity, or if subsequently disposed of, will be transferred in accordance with the applicable provisions of this article and, if applicable, Section 12801.

(F) Within 10 days of the date that the firearm is sold, loaned, delivered, or transferred to that entity, the name of the government entity delivering the firearm, and the make, model, serial number, and other identifying characteristics of the firearm and the name of the person authorized by the entity to take possession of the firearm shall be reported to the department in a manner prescribed by the department.

1 (G) In the event of a change in the status of the designated
2 representative, the entity shall notify the department of a new
3 representative within 30 days.

4 (8) Subdivision (d) of Section 12072 and subdivision (b) of
5 Section 12801 shall not apply to the sale, loan, delivery, or
6 transfer of a firearm made by any person other than a
7 representative of an authorized law enforcement agency to any
8 public or private nonprofit historical society, museum, or
9 institutional collection if all of the following conditions are met:

10 (A) The entity receiving the firearm is open to the public.

11 (B) The firearm is deactivated or rendered inoperable prior to
12 delivery.

13 (C) The firearm is not of a type prohibited from being sold,
14 delivered, or transferred to the public.

15 (D) Prior to delivery, the entity receiving the firearm submits a
16 written statement to the person selling, loaning, or transferring
17 the firearm stating that the firearm will not be restored to
18 operating condition, and will either remain with that entity, or if
19 subsequently disposed of, will be transferred in accordance with
20 the applicable provisions of this article and, if applicable Section
21 12801.

22 (E) If title to a handgun is being transferred to the public or
23 private nonprofit historical society, museum, or institutional
24 collection, then the designated representative of that public or
25 private historical society, museum or institutional collection
26 within 30 days of taking possession of that handgun, shall
27 forward by prepaid mail or deliver in person to the Department of
28 Justice, a single report signed by both parties to the transaction,
29 that includes information identifying the person representing that
30 public or private historical society, museum, or institutional
31 collection, how title was obtained and from whom, and a
32 description of the firearm in question, along with a copy of the
33 written statement referred to in subparagraph (D). The report
34 forms that are to be completed pursuant to this paragraph shall be
35 provided by the Department of Justice.

36 (F) In the event of a change in the status of the designated
37 representative, the entity shall notify the department of a new
38 representative within 30 days.

39 (b) (1) Section 12071, subdivisions (c) and (d) of Section
40 12072, and subdivision (b) of Section 12801 shall not apply to

1 deliveries, sales, or transfers of firearms between or to importers
2 and manufacturers of firearms licensed to engage in that business
3 pursuant to Chapter 44 (commencing with Section 921) of Title
4 18 of the United States Code and the regulations issued pursuant
5 thereto.

6 (2) Subdivision (b) of Section 12801 shall not apply to the
7 delivery, sale, or transfer of a handgun to a person licensed
8 pursuant to Section 12071, where the licensee is receiving the
9 handgun in the course and scope of his or her activities as a
10 person licensed pursuant to Section 12071.

11 (c) (1) Subdivision (d) of Section 12072 shall not apply to the
12 infrequent transfer of a firearm that is not a handgun by gift,
13 bequest, intestate succession, or other means by one individual to
14 another if both individuals are members of the same immediate
15 family.

16 (2) Subdivision (d) of Section 12072 shall not apply to the
17 infrequent transfer of a handgun by gift, bequest, intestate
18 succession, or other means by one individual to another if both
19 individuals are members of the same immediate family and both
20 of the following conditions are met:

21 (A) The person to whom the firearm is transferred shall,
22 within 30 days of taking possession of the firearm, forward by
23 prepaid mail or deliver in person to the Department of Justice, a
24 report that includes information concerning the individual taking
25 possession of the firearm, how title was obtained and from
26 whom, and a description of the firearm in question. The report
27 forms that individuals complete pursuant to this paragraph shall
28 be provided to them by the Department of Justice.

29 (B) The person taking title to the firearm shall first obtain a
30 handgun safety certificate.

31 (C) The person receiving the firearm is 18 years of age or
32 older.

33 (3) As used in this subdivision, “immediate family member”
34 means any one of the following relationships:

35 (A) Parent and child.

36 (B) Grandparent and grandchild.

37 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
38 infrequent loan of firearms between persons who are personally
39 known to each other for any lawful purpose, if the loan does not
40 exceed 30 days in duration and, when the firearm is a handgun,

1 commencing January 1, 2003, the individual being loaned the
2 handgun has a valid handgun safety certificate.

3 (2) Subdivision (d) of Section 12072, and subdivision (b) of
4 Section 12801 shall not apply to the loan of a firearm where all
5 of the following conditions exist:

6 (A) The person loaning the firearm is at all times within the
7 presence of the person being loaned the firearm.

8 (B) The loan is for a lawful purpose.

9 (C) The loan does not exceed three days in duration.

10 (D) The individual receiving the firearm is not prohibited from
11 owning or possessing a firearm pursuant to Section 12021 or
12 12021.1 of this code, or by Section 8100 or 8103 of the Welfare
13 and Institutions Code.

14 (E) The person loaning the firearm is 18 years of age or older.

15 (F) The person being loaned the firearm is 18 years of age or
16 older.

17 (e) Section 12071, subdivisions (c) and (d) of Section 12072,
18 and subdivision (b) of Section 12801 shall not apply to the
19 delivery of a firearm to a gunsmith for service or repair, or to the
20 return of the firearm to its owner by the gunsmith.

21 (f) Subdivision (d) of Section 12072 and subdivision (b) of
22 Section 12801 shall not apply to the sale, delivery, or transfer of
23 firearms by persons who reside in this state to persons who reside
24 outside this state who are licensed pursuant to Chapter 44
25 (commencing with Section 921) of Title 18 of the United States
26 Code and the regulations issued pursuant thereto, if the sale,
27 delivery, or transfer is in accordance with Chapter 44
28 (commencing with Section 921) of Title 18 of the United States
29 Code and the regulations issued pursuant thereto.

30 (g) (1) Subdivision (d) of Section 12072 shall not apply to the
31 infrequent sale or transfer of a firearm, other than a handgun, at
32 auctions or similar events conducted by nonprofit mutual or
33 public benefit corporations organized pursuant to the
34 Corporations Code.

35 As used in this paragraph, the term “infrequent” shall not be
36 construed to prohibit different local chapters of the same
37 nonprofit corporation from conducting auctions or similar events,
38 provided the individual local chapter conducts the auctions or
39 similar events infrequently. It is the intent of the Legislature that
40 different local chapters, representing different localities, be

1 entitled to invoke the exemption created by this paragraph,
2 notwithstanding the frequency with which other chapters of the
3 same nonprofit corporation may conduct auctions or similar
4 events.

5 (2) Subdivision (d) of Section 12072 shall not apply to the
6 transfer of a firearm other than a handgun, if the firearm is
7 donated for an auction or similar event described in paragraph (1)
8 and the firearm is delivered to the nonprofit corporation
9 immediately preceding, or contemporaneous with, the auction or
10 similar event.

11 (3) The waiting period described in Sections 12071 and 12072
12 shall not apply to a dealer who delivers a firearm other than a
13 handgun at an auction or similar event described in paragraph
14 (1), as authorized by subparagraph (C) of paragraph (1) of
15 subdivision (b) of Section 12071. Within two business days of
16 completion of the application to purchase, the dealer shall
17 forward by prepaid mail to the Department of Justice a report of
18 the same as is indicated in subdivision (c) of Section 12077. If
19 the electronic or telephonic transfer of applicant information is
20 used, within two business days of completion of the application
21 to purchase, the dealer delivering the firearm shall transmit to the
22 Department of Justice an electronic or telephonic report of the
23 same as is indicated in subdivision (c) of Section 12077.

24 (h) Subdivision (d) of Section 12072 and subdivision (b) of
25 Section 12801 shall not apply to the loan of a firearm to a person
26 18 years of age or older for the purposes of shooting at targets if
27 the loan occurs on the premises of a target facility that holds a
28 business or regulatory license or on the premises of any club or
29 organization organized for the purposes of practicing shooting at
30 targets upon established ranges, whether public or private, if the
31 firearm is at all times kept within the premises of the target range
32 or on the premises of the club or organization.

33 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
34 person who takes title or possession of a firearm that is not a
35 handgun by operation of law if the person is not prohibited by
36 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
37 the Welfare and Institutions Code from possessing firearms.

38 (2) Subdivision (d) of Section 12072 shall not apply to a
39 person who takes title or possession of a handgun by operation of
40 law if the person is not prohibited by Section 12021 or 12021.1

of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms and all of the following conditions are met:

(A) If the person taking title or possession is neither a levying officer as defined in Section 481.140, 511.060, or 680.210 of the Code of Civil Procedure, nor a person who is receiving that firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2) of subdivision ~~(tt)~~ (v), the person shall, within 30 days of taking possession, forward by prepaid mail or deliver in person to the Department of Justice, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(B) If the person taking title or possession is receiving the firearm pursuant to subparagraph (G) of paragraph (2) of subdivision ~~(tt)~~ (v), the person shall do both of the following:

(i) Within 30 days of taking possession, forward by prepaid mail or deliver in person to the department, a report of information concerning the individual taking possession of the firearm, how title or possession was obtained and from whom, and a description of the firearm in question. The reports that individuals complete pursuant to this paragraph shall be provided to them by the department.

(ii) Prior to taking title or possession of the firearm, the person shall obtain a handgun safety certificate.

(C) Where the person receiving title or possession of the handgun is a person described in subparagraph (I) of paragraph (2) of subdivision ~~(tt)~~ (v), on the date that the person is delivered the firearm, the name and other information concerning the person taking possession of the firearm, how title or possession of the firearm was obtained and from whom, and a description of the firearm by make, model, serial number, and other identifying characteristics, shall be entered into the Automated Firearms System (AFS) via the California Law Enforcement Telecommunications System (CLETS) by the law enforcement or state agency that transferred or delivered the firearm. Those agencies without access to AFS shall arrange with the sheriff of

1 the county in which the agency is located to input this
2 information via this system.

3 (D) Where the person receiving title or possession of the
4 handgun is a person described in subparagraph (J) of paragraph
5 (2) of subdivision ~~(tt)~~ (v), on the date that the person is delivered
6 the firearm, the name and other information concerning the
7 person taking possession of the firearm, how title or possession
8 of the firearm was obtained and from whom, and a description of
9 the firearm by make, model, serial number, and other identifying
10 characteristics, shall be entered into the AFS via the CLETS by
11 the law enforcement or state agency that transferred or delivered
12 the firearm. Those agencies without access to AFS shall arrange
13 with the sheriff of the county in which the agency is located to
14 input this information via this system. In addition, that law
15 enforcement agency shall not deliver that handgun to the person
16 referred to in this subparagraph unless, prior to the delivery of
17 the same, the person presents proof to the agency that he or she is
18 the holder of a handgun safety certificate.

19 (3) Subdivision (d) of Section 12072 shall not apply to a
20 person who takes possession of a firearm by operation of law in a
21 representative capacity who subsequently transfers ownership of
22 the firearm to himself or herself in his or her individual capacity.
23 In the case of a handgun, the individual shall obtain a handgun
24 safety certificate prior to transferring ownership to himself or
25 herself, or taking possession of a handgun in an individual
26 capacity.

27 (j) Subdivision (d) of Section 12072 and subdivision (b) of
28 Section 12801 shall not apply to deliveries, transfers, or returns
29 of firearms made pursuant to Section 12028, 12028.5, or 12030.

30 (k) Section 12071, subdivision (c) of Section 12072, and
31 subdivision (b) of Section 12801 shall not apply to any of the
32 following:

33 (1) The delivery, sale, or transfer of unloaded firearms that are
34 not handguns by a dealer to another dealer upon proof of
35 compliance with the requirements of paragraph (1) of subdivision
36 (f) of Section 12072.

37 (2) The delivery, sale, or transfer of unloaded firearms by
38 dealers to persons who reside outside this state who are licensed
39 pursuant to Chapter 44 (commencing with Section 921) of Title

1 18 of the United States Code and the regulations issued pursuant
2 thereto.

3 (3) The delivery, sale, or transfer of unloaded firearms to a
4 wholesaler if the firearms are being returned to the wholesaler
5 and are intended as merchandise in the wholesaler's business.

6 (4) The delivery, sale, or transfer of unloaded firearms by one
7 dealer to another dealer if the firearms are intended as
8 merchandise in the receiving dealer's business upon proof of
9 compliance with the requirements of paragraph (1) of subdivision
10 (f) of Section 12072.

11 (5) The delivery, sale, or transfer of an unloaded firearm that
12 is not a handgun by a dealer to himself or herself.

13 (6) The loan of an unloaded firearm by a dealer who also
14 operates a target facility that holds a business or regulatory
15 license on the premises of the building designated in the license
16 or whose building designated in the license is on the premises of
17 any club or organization organized for the purposes of practicing
18 shooting at targets upon established ranges, whether public or
19 private, to a person at that target facility or that club or
20 organization, if the firearm is at all times kept within the
21 premises of the target range or on the premises of the club or
22 organization.

23 (l) A person who is exempt from subdivision (d) of Section
24 12072 or is otherwise not required by law to report his or her
25 acquisition, ownership, or disposal of a handgun or who moves
26 out of this state with his or her handgun may submit a report of
27 the same to the Department of Justice in a format prescribed by
28 the department.

29 (m) Subdivision (d) of Section 12072 and subdivision (b) of
30 Section 12801 shall not apply to the delivery, sale, or transfer of
31 unloaded firearms to a wholesaler as merchandise in the
32 wholesaler's business by manufacturers or importers licensed to
33 engage in that business pursuant to Chapter 44 (commencing
34 with Section 921) of Title 18 of the United States Code and the
35 regulations issued pursuant thereto, or by another wholesaler, if
36 the delivery, sale, or transfer is made in accordance with Chapter
37 44 (commencing with Section 921) of Title 18 of the United
38 States Code.

(n) (1) The waiting period described in Section 12071 or 12072 shall not apply to the delivery, sale, or transfer of a handgun by a dealer in either of the following situations:

(A) The dealer is delivering the firearm to another dealer and it is not intended as merchandise in the receiving dealer's business.

(B) The dealer is delivering the firearm to himself or herself and it is not intended as merchandise in his or her business.

(2) In order for this subdivision to apply, both of the following shall occur:

(A) If the dealer is receiving the firearm from another dealer, the dealer receiving the firearm shall present proof to the dealer delivering the firearm that he or she is licensed pursuant to Section 12071 by complying with paragraph (1) of subdivision (f) of Section 12072.

(B) Whether the dealer is delivering, selling, or transferring the firearm to himself or herself or to another dealer, on the date that the application to purchase is completed, the dealer delivering the firearm shall forward by prepaid mail to the Department of Justice a report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077. Where the electronic or telephonic transfer of applicant information is used, on the date that the application to purchase is completed, the dealer delivering the firearm shall transmit an electronic or telephonic report of the same and the type of information concerning the purchaser or transferee as is indicated in subdivision (b) of Section 12077.

(o) Section 12071 and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or

1 legal guardian of the minor, if the loan does not exceed 30 days
2 in duration and is for a lawful purpose.

3 (2) Paragraph (3) of subdivision (a) of Section 12072,
4 subdivision (d) of Section 12072, and subdivision (b) of Section
5 12801 shall not apply to the loan of a handgun to a minor by a
6 person who is not the parent or legal guardian of the minor if all
7 of the following circumstances exist:

8 (A) The minor has the written consent of his or her parent or
9 legal guardian that is presented at the time of, or prior to the time
10 of, the loan, or is accompanied by his or her parent or legal
11 guardian at the time the loan is made.

12 (B) The minor is being loaned the firearm for the purpose of
13 engaging in a lawful, recreational sport, including, but not
14 limited to, competitive shooting, or agricultural, ranching, or
15 hunting activity, or a motion picture, television, or video
16 production, or entertainment or theatrical event, the nature of
17 which involves the use of a firearm.

18 (C) The duration of the loan does not exceed the amount of
19 time that is reasonably necessary to engage in the lawful,
20 recreational sport, including, but not limited to, competitive
21 shooting, or agricultural, ranching, or hunting activity, or a
22 motion picture, television, or video production, or entertainment
23 or theatrical event, the nature of which involves the use of a
24 firearm.

25 (D) The duration of the loan does not, in any event, exceed 10
26 days.

27 (3) Paragraph (3) of subdivision (a), and subdivision (d), of
28 Section 12072, and subdivision (b) of Section 12801 shall not
29 apply to the loan of a handgun to a minor by his or her parent or
30 legal guardian if both of the following circumstances exist:

31 (A) The minor is being loaned the firearm for the purposes of
32 engaging in a lawful, recreational sport, including, but not
33 limited to, competitive shooting, or agricultural, ranching, or
34 hunting activity, or a motion picture, television, or video
35 production, or entertainment or theatrical event, the nature of
36 which involves the use of a firearm.

37 (B) The duration of the loan does not exceed the amount of
38 time that is reasonably necessary to engage in the lawful,
39 recreational sport, including, but not limited to, competitive
40 shooting, or agricultural, ranching, or hunting activity, or a

1 motion picture, television, or video production, or entertainment
2 or theatrical event, the nature of which involves the use of a
3 firearm.

4 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
5 Section 12072 shall not apply to the transfer or loan of a firearm
6 that is not a handgun to a minor by his or her parent or legal
7 guardian.

8 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
9 Section 12072 shall not apply to the transfer or loan of a firearm
10 that is not a handgun to a minor by his or her grandparent who is
11 not the legal guardian of the minor if the transfer is done with the
12 express permission of the parent or legal guardian of the minor.

13 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
14 Section 12072 shall not apply to the sale of a handgun if both of
15 the following requirements are satisfied:

16 (A) The sale is to a person who is at least 18 years of age.

17 (B) The firearm is an antique firearm as defined in paragraph
18 (16) of subsection (a) of Section 921 of Title 18 of the United
19 States Code.

20 (q) Subdivision (d) of Section 12072 shall not apply to the
21 loan of a firearm that is not a handgun to a licensed hunter for
22 use by that licensed hunter for a period of time not to exceed the
23 duration of the hunting season for which that firearm is to be
24 used.

25 (r) The waiting period described in Section 12071, 12072, or
26 12084 shall not apply to the delivery, sale, or transfer of a
27 firearm to the holder of a special weapons permit issued by the
28 Department of Justice issued pursuant to Section 12095, 12230,
29 12250, or 12305. On the date that the application to purchase is
30 completed, the dealer delivering the firearm or the law
31 enforcement agency processing the transaction pursuant to
32 Section 12084, shall forward by prepaid mail to the Department
33 of Justice a report of the same as described in subdivision (b) or
34 (c) of Section 12077 or Section 12084. If the electronic or
35 telephonic transfer of applicant information is used, on the date
36 that the application to purchase is completed, the dealer
37 delivering the firearm shall transmit to the Department of Justice
38 an electronic or telephonic report of the same as is indicated in
39 subdivision (b) or (c) of Section 12077.

(s) (1) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to the infrequent loan of an unloaded firearm by a person who is neither a dealer as defined in Section 12071 nor a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, to a person 18 years of age or older for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event.

(2) Subdivision (d), and paragraph (1) of subdivision (f), of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a person who is not a dealer as defined in Section 12071 but who is a federal firearms licensee pursuant to Chapter 44 of Title 18 of the United States Code, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The person loaning the firearm pursuant to this paragraph shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(3) Subdivision (b) of Section 12071, subdivision (c) of, and paragraph (1) of subdivision (f) of, Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of an unloaded firearm by a dealer as defined in Section 12071, to a person who possesses a valid entertainment firearms permit issued pursuant to Section 12081, for use solely as a prop in a motion picture, television, video, theatrical, or other entertainment production or event. The dealer shall retain a photocopy of the entertainment firearms permit as proof of compliance with this requirement.

(t) (1) The waiting period described in Sections 12071, 12072, and 12084 shall not apply to the sale, delivery, loan, or transfer of a firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, or its successor, by a dealer or through a law enforcement agency to a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071. On the date that the delivery, sale, or

1 transfer is made, the dealer delivering the firearm or the law
2 enforcement agency processing the transaction pursuant to
3 Section 12084, shall forward by prepaid mail to the Department
4 of Justice a report of the transaction pursuant to subdivision (b)
5 of Section 12077 or Section 12084. If the electronic or telephonic
6 transfer of applicant information is used, on the date that the
7 application to purchase is completed, the dealer delivering the
8 firearm shall transmit to the Department of Justice an electronic
9 or telephonic report of the transaction as is indicated in
10 subdivision (b) or (c) of Section 12077.

11 (2) Subdivision (d) of Section 12072 shall not apply to the
12 infrequent sale, loan, or transfer of a firearm that is not a
13 handgun, which is a curio or relic manufactured at least 50 years
14 prior to the current date, but not including replicas thereof, as
15 defined in Section 478.11 of Title 27 of the Code of Federal
16 Regulations, or its successor.

17 (u) The delivery, sale, or transfer of a firearm to the holder of
18 a valid license issued pursuant to Section 12050 *or a certificate*
19 *of eligibility issued by the Department of Justice* shall not be
20 subject to the following:

21 ~~(1) The waiting periods described in Sections 12071, 12072,~~
22 ~~and 12084, provided however, that the prohibition against~~
23 ~~making application to purchase more than one handgun within a~~
24 ~~30-day period shall still apply.~~

25 ~~(2) Subdivision (d) of Section 12072.~~

26 ~~(3) Subdivisions (d) and (e) of Section 12076.~~

27 (v) As used in this section:

28 (1) “Infrequent” has the same meaning as in paragraph (1) of
29 subdivision (c) of Section 12070.

30 (2) “A person taking title or possession of firearms by
31 operation of law” includes, but is not limited to, any of the
32 following instances wherein an individual receives title to, or
33 possession of, firearms:

34 (A) The executor or administrator of an estate if the estate
35 includes firearms.

36 (B) A secured creditor or an agent or employee thereof when
37 the firearms are possessed as collateral for, or as a result of, a
38 default under a security agreement under the Commercial Code.

39 (C) A levying officer, as defined in Section 481.140, 511.060,
40 or 680.260 of the Code of Civil Procedure.

1 (D) A receiver performing his or her functions as a receiver if
2 the receivership estate includes firearms.

3 (E) A trustee in bankruptcy performing his or her duties if the
4 bankruptcy estate includes firearms.

5 (F) An assignee for the benefit of creditors performing his or
6 her functions as an assignee, if the assignment includes firearms.

7 (G) A transmutation of property consisting of firearms
8 pursuant to Section 850 of the Family Code.

9 (H) Firearms passing to a surviving spouse pursuant to
10 Chapter 1 (commencing with Section 13500) of Part 2 of
11 Division 8 of the Probate Code.

12 (I) Firearms received by the family of a police officer or
13 deputy sheriff from a local agency pursuant to Section 50081 of
14 the Government Code.

15 (J) The transfer of a firearm by a law enforcement agency to
16 the person who found the firearm where the delivery is to the
17 person as the finder of the firearm pursuant to Article 1
18 (commencing with Section 2080) of Chapter 4 of Division 3 of
19 the Civil Code.